

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
MAY 24 2006
JOHN F. GORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

PATRICIA JOHNSON,

Plaintiff,

v.

JO ANNE B. BARNHART, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 3:05-CV-00030

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the cross-motions for summary judgment of Plaintiff and the Commissioner, filed January 5, 2006, and January 24, 2006, respectively.

By standing order of the Court, this case was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. In a March 21, 2006 Report and Recommendation ("Report"), the Magistrate recommended that this Court enter an order granting the Commissioner's motion for summary judgment and dismissing the case. On March 31, 2006, Plaintiff timely filed objections to the Report.

For the reasons stated in the accompanying Memorandum Opinion, the Court DECLINES to adopt the Report of the Magistrate Judge, DENIES the Commissioner's motion for summary judgment, GRANTS IN PART Plaintiff's motion for summary judgment, REVERSES the Commissioner's decision, and REMANDS for further proceedings pursuant to sentence four of 42 U.S.C. §405(g) and in accordance with the Court's Opinion.

It is so ORDERED.

The Clerk of the Court is directed to send certified copies of this Order to all Counsel of Record.

ENTERED: Norman A. Mon
U.S. District Judge

May 24, 2006
Date